

REMARKS

Claims 1-18, 23 and 35 are pending in this application. By this Amendment, claim 5 is amended. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Claims 1, 5 and 23 were objected to for informalities.

Claims 1 and 23 were objected to because the phrase "can be done" can be interpreted as an optional limitation not worthy of patentable weight. Applicants respectfully assert that the Office Action misconstrues claims 1 and 23.

Claims 1 and 23 call for performing the user login operation. Further, in both claims, the positively recited step of performing the user login operation is modified by the phrase "wherein the step of performing the user login operation can be done before, during and after the step of processing the payment media." Applicants respectfully assert that this phrase would be interpreted by one of ordinary skill in the art as allowing the login operation to occur in a range of time which includes a time before processing the payment media begins through a time after the payment media processing begins. Therefore, the language is not optional but is instead used to express a period of time over which the positively recited step of performing the user login operation can occur as would be interpreted by one having

ordinary skill in the art. In addition, given the above explanation on the record, the above phrase can not be interpreted as an optional limitation.

Claim 5 was objected to for calling for "the single store" instead of calling for "the at least one single store." Claim 5 has been amended responsive to the objection.

It is respectfully requested that the objection be withdrawn.

Claims 1-18, 23 and 35 were rejected under 35 U.S.C. §112, first paragraph. The rejection is respectfully traversed.

Regarding claims 1, 23 and 35, the Office Action asserts that the specification fails to provide support for using the conjunction "and" in the phrase "the user login operation can be done before, during and after the step of processing payment media." The Office Action alleges that the use of "and" could be interpreted to give the option for the user to enter his/her login at any point during the processing whereas the use of "or" could be interpreted as the system requiring login at a specific point during the processing at the exclusion of other times.

Applicants respectfully assert that the Office Action's interpretation of the conjunctions is contrary to the way in which the conjunctions would be interpreted by one having ordinary skill in the art reading Applicants' specification.

In paragraph [0053], in describing a machine that embodies the method of claim 1, the specification explains that the machine performs the user login operation either before, during or after processing the payment media. One of ordinary skill in the art would clearly understand that this paragraph suggests that the machine works in any order, i.e., that the login can occur before, during or after processing the payment media has begun. Nothing in this paragraph suggests the Office Action's overly narrow interpretation of the conjunction "or," as discussed on page 6 of the Office Action, is appropriate. Further, proper grammar for an "either or" phrase, that is, a phrase in which options are listed, follows the form of "either"

followed by at least one option, the word "or" and the final option. Applicants respectfully assert that one of ordinary skill in the art would understand that the login process can occur before during and after the step of processing.

Further, as noted in paragraph [0192], the first operation undertaken by a user is generally to login. However, this process takes time and delays the payment media acceptance process. Further, in paragraph [0193], the specification further explains that the login process may occur while the payment media is being processed, that is, while the payment media is received, validated, counted and stored. Also, logic dictates that if only one bill or note is processed, it is reasonable that the payment media could be processed before the user has an opportunity to begin the login process.

Further, the title of the section beginning with paragraph [0190] and including the above-discussed paragraphs, is titled "Simultaneous Count and Login." This title clearly indicates that counting (which is part of processing payment media) and login occur in parallel. Based on all of the above, one of ordinary skill in the art would clearly understand that login can occur before, login can occur during and login can occur after the step of starting processing of the payment media.

Therefore, when viewed in its entirety, one of ordinary skill in the art would clearly understand that the amended claim, which uses the conjunction "and," is clearly supported.

It is respectfully requested that the rejection be withdrawn.

Claim 5 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The rejection is respectfully traversed.

Claim 5 has been amended to delete the phrase "an individual having minimal training in the operation of payment media handling devices." Applicants respectfully assert the phrase "an individual not skilled in the operation of payment media handling devices" is

definite. Applicants respectfully assert that "an individual not skilled in the operation of payment media handling devices" is any one that is not one skilled in the art of payment media handling devices. Further, because what is known by one of ordinary skill in the art is relied on in the Office Action at page 9, Applicants respectfully assert that one of ordinary skill in the art is well known. Therefore, because one of ordinary skill in the art is known, logic dictates that an individual not skilled in the art is also known and therefore the claim is definite.

It is respectfully requested that the rejection be withdrawn.

Claims 1, 4, 11, 16-18, 23 and 35 were rejected under 35 U.S.C. §103(a) over Siemens, U.S. Patent No. 6,659,340, in view of Ling, U.S. Patent Application Publication No. 2002/0111907. The rejection is respectfully traversed.

Claim 1 calls for the step of performing the user login operation that can be done before, during and after the step of processing the payment media. Claims 23 and 35 call for similar features. The Office Action, on page 7, admits that Siemens fails to disclose these features. The Office Action alleges that Ling discloses these features and that it would have been obvious to one of ordinary skill in the art to combine Siemens and Ling. Applicants respectfully disagree. Applicants respectfully assert that the combination of Siemens and Ling is improper for at least the following reasons.

Siemens relates generally to a currency receiving device whereas Ling relates to systems and methods for conducting electronic commerce transactions requiring micropayment. The Office Action, on pages 7 and 8, discusses at length why the login process of Siemens and the login process of Ling would be combined. However, the question is not whether one of ordinary skill in the art would selectively choose the login process gleaned from the background section of Ling to be combined with the currency receiving device of Siemens. Applicants respectfully assert that Ling and Siemens would not be

combined because the combination of references is not reasonably predictable in light of the entirety of Ling's disclosure. Ling, at paragraph [0064], specifically states, "It is a further object of the present invention to provide systems and methods that permit a user the convenience to purchase content from different content providers without requiring the user to login" (emphasis added). In fact, not only is not reasonably predictable to combine Siemens and Ling, Ling teaches away from the login operation called for in the independent claims.

Further, even if Ling does not teach away from a login operation, which Applicants do not admit, Ling is not related to the independent claims. As discussed above, Ling is related to systems and methods for conducting electronic commerce. Ling discusses at length conducting transactions over the internet. See, for example, Ling's paragraph [0006]. Therefore, Applicants respectfully assert that Ling is unrelated to the claimed invention and that one of ordinary skill in the relevant art would not use Ling to achieve the features of independent claims 1, 23 and 35. Therefore, Applicants assert that only improper hindsight reconstruction could have been used to apply the teachings of Ling to independent claims 1, 23 and 35. Such hindsight reconstruction of the claimed invention is improper. See MPEP §2145(X)(A). Further, the claimed combination of features would not have been obvious to try because there was not a finite number of identified, predictable potential solutions to a recognized problem or need. See MPEP §§2143(E) and 2143.02. Applicants assert that, given the circumstances, knowledge gleaned only from Applicants' disclosure was used, which is impermissible hindsight.

Claims 4, 11 and 16-18 depend from, and are patentable with, independent claim 1, as well as for the additional features they recite.

It is respectfully requested that the rejection be withdrawn.

Claims 2, 3 and 8-10 were rejected under 35 U.S.C. §103(a) over Siemens in view of Ling and Kenneth et al., U.S. Patent No. 5,796,083. The rejection is respectfully traversed.

This rejection is premised upon the combination of Siemens and Ling being proper. As discussed above, the combination of references is improper. Further, Kenneth fails to overcome the deficiencies of Siemens and Ling.

It is respectfully requested that the rejection be withdrawn.

Claims 5 and 6 were rejected under 35 U.S.C. §103(a) over Siemens in view of Ling and Stefanik et al., U.S. Patent Application Publication No. 2003/0163382. The rejection is respectfully traversed.

As discussed above, the combination of Siemens and Ling is improper. Further, Stefanik fails to overcome the deficiencies of Siemens and Ling.

It is respectfully requested that the rejection be withdrawn.

Claim 7 was rejected under 35 U.S.C. §103(a) over Siemens in view of Ling and Applicant Admitted Prior Art. The rejection is respectfully traversed.

As discussed above, the combination of Siemens and Ling is improper. Further, Applicant Admitted Prior Art fails to overcome the deficiencies of Siemens and Ling.

It is respectfully requested that the rejection be withdrawn.

Claim 12 was rejected under 35 U.S.C. §103(a) over Siemens in view of Ling and Kenneth or Katou et al., U.S. Patent No. 6,481,620. The rejection is respectfully traversed.

As discussed above, the combination of Siemens and Ling is improper. Further, neither Kenneth nor Katou, alone or in combination, overcome the deficiencies of Siemens and Ling.

It is respectfully requested that the rejection be withdrawn.

Claims 13-15 were rejected under 35 U.S.C. §103(a) over Siemens in view of Ling, Kenneth and Clark, U.S. Patent No. 6,081,791. The rejection is respectfully traversed.

As discussed above, the combination of Siemens and Ling is improper. Further, neither Kenneth nor Clark, either alone or in combination, overcome the deficiencies of Siemens and Ling.

It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance is earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


James A. Oliff
Registration No. 27,075

Steven D. Jinks
Registration No. 62,760

JAO:SDJ/mef

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OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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